



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

March 3, 2023

GENERAL NOTICE LETTER
URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY

Via FedEx

Angela Copeland, President
Investment Bankers, Ltd
f/k/a, Investors International Properties, Ltd.

Exemption 6: Privacy

Re: General Notice
Orange County North Basin Superfund Site, Orange County, California

Dear Angela Copeland:

Under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601 *et seq.* (1980)(CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing contamination that has already occurred from those releases. EPA has documented that such a release has occurred and has listed the Orange County North Basin Superfund Site (Site) on EPA's National Priorities List (NPL). EPA is spending public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on the information collected, EPA has determined that Investment Bankers, Ltd, f/k/a, Investors International Properties, Ltd., may be a responsible party under CERCLA for cleanup at the Site and for costs EPA incurs in that cleanup.

Explanation of Potential Liability

Under CERCLA Sections 106(a) and 107(a), potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up a site unless the PRP can demonstrate divisibility or assert one of CERCLA's statutory defenses. PRPs include current and former owners and operators of a site, as well as persons who arranged for the treatment and/or disposal of any hazardous substances found at a site, and those that accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on the information collected to date, EPA believes that Investment Bankers, Ltd, f/k/a, Investors International Properties, Ltd., may be liable under Section 107(a) of CERCLA with respect to the

Orange County North Basin Superfund Site as a former owner of the property located at 1600 East Valencia Drive (Property) from 1964 to 1979.

Response Activities at Site

On September 3, 2020, EPA finalized the NPL listing for the Orange County North Basin Site. The Site is a groundwater plume of chlorinated solvents and other contaminants covering approximately five square miles and impacting drinking water resources within the Orange County North Basin. Site groundwater is contaminated with volatile organic compounds (VOCs) and other chemicals from industrial activities in the area. Site groundwater contamination includes trichloroethylene (TCE), tetrachloroethylene (PCE), and 1,1 dichloroethylene (1,1-DCE) at concentrations above the federal Safe Drinking Water Act Maximum Contaminant Levels (MCLs) and California MCLs. Site groundwater is also contaminated with 1,4-dioxane in exceedance of the California Notification Level, and EPA is evaluating the frequency of detection and concentrations of perchlorate and perfluorinated compounds in Site groundwater. Contaminant releases from industrial facilities have resulted in this groundwater contamination that is spreading horizontally and vertically.

Parallel with the listing process, EPA has been overseeing the Orange County Water District conducting an Interim Remedial Investigation and Feasibility Study (RI/FS) for the area of the highest contaminant levels impacting the drinking water aquifer. EPA anticipates it will issue the final Interim RI/FS later in 2023. EPA will consider the analysis in the RI/FS along with the Site's Administrative Record to determine a preferred alternative that EPA will publish in a Proposed Plan for public comment. Based on the evaluation in the RI/FS, the Administrative Record, and state and public comment, EPA will select an Interim Remedy to be conducted at the Site.

In parallel with development of the Interim RI/FS, EPA initiated a Comprehensive RI/FS in 2020 to identify overall Site risks and analyze alternatives for a Final Site remedy. As of November 2022, EPA has installed 16 of 24 planned monitoring wells and the remaining 8 wells are planned to be installed in the first half of 2023. The schedule for completion of the Comprehensive RI/FS will depend on information gathered in the first phases of the RI work and which entities conduct the later phases of the Comprehensive RI/FS.

The State of California, through the Department of Toxic Substances Control and the Santa Ana Regional Water Quality Control Board, continues to actively oversee facility-led investigations and remediation of source area contamination in soil and shallow groundwater at several of the facilities identified as possible contributors to the contaminated groundwater plume. The State will continue to be the lead for these facility investigations while EPA addresses the Site groundwater contamination.

De Minimis Settlements

Under Section 122(g) of CERCLA, whenever practicable and in the public interest, EPA may offer special settlements "to parties whose waste contribution to the Site is minimal in volume and toxicity, that is, *de minimis* parties" or "to owners of real property if: (1) such owner did not conduct or permit the generation, transportation, storage, treatment, or disposal of any hazardous substances at the Superfund facility; and (2) the owner did not have actual or constructive knowledge that the property was used for the generation, transportation, storage, treatment, or disposal of any hazardous substance."

Individuals or businesses resolving their Superfund liability as *de minimis* parties are not typically required to perform site cleanup. Instead, EPA requires *de minimis* settlors to pay their fair share of cleanup costs incurred plus a “premium” that accounts for, among other things, uncertainties associated with the costs of work to be performed in the future. In return, *de minimis* settlors receive: (1) a covenant not to sue, which is a commitment that EPA will not bring any future legal action against the settling party for the specific matters addressed in the settlement; and (2) protection from contribution claims, which provides a settling party with protection from being sued in a contribution action by other PRPs for the specific matters addressed in the settlement.

Protection from contribution actions for *de minimis* settlors is based on CERCLA Sections 113(f)(2) and 122(g)(5), which provide that a person “who has resolved its liability to the United States” in an administrative or judicially approved settlement “shall not be liable for claims for contribution regarding matters addressed in the settlement.” This protection against contribution claims, however, may not extend to claims by third parties that have incurred their own response costs and seek to recover them under Section 107(a)(4)(B). *See United States v. Atlantic Research Corporation*, 127 S.Ct. 2331, 168 L.Ed. 2d 28 (June 11, 2007) (in certain situations, a liable party that has incurred cleanup costs at a site can sue other liable parties under CERCLA § 107(a)(4)(B)).

Participation in a *de minimis* settlement would require settling directly with EPA as soon as is possible. If Investment Bankers, Ltd believes that it may be eligible for a *de minimis* settlement at this Site, please contact Keith Olinger, Enforcement Officer, at Olinger.Keith@epa.gov for additional information on *de minimis* settlements.

Ability to Pay Settlements

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at the Site may be substantially limited. If you can document that you fall within that category, please contact Keith Olinger, Enforcement Officer, at Olinger.Keith@epa.gov for information and forms to apply for consideration for an ability-to-pay settlement. To request consideration for an ability-to-pay settlement, you must review the information about the potential applicability of such a settlement and complete the forms with information about your finances. Note that you will be required to submit financial records including business and/or personal federal income tax returns. If EPA concludes that Investment Bankers, Ltd has a legitimate inability to pay the full amount of EPA’s costs, EPA may offer a reduction in the total amount demanded from you and/or a schedule for payment over time.

Also, do note that **EPA has a potential claim against you in this matter, so you must include EPA as a creditor if you file for bankruptcy.** EPA reserves the right to file a proof of claim or an application for reimbursement of administrative expenses.

Resources for Small Businesses

The 2002 Superfund Small Business Liability Relief and Brownfields Revitalization Act includes several exemptions and defenses to CERCLA liability that we recommend parties evaluate. The law is available at: <https://www.govinfo.gov/content/pkg/PLAW-107publ118/pdf/PLAW-107publ118.pdf> and

EPA policies and guidance regarding these exemptions can be found at:
<http://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund/>.

EPA has a number of helpful resources for small businesses including the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers that offer various forms of resources to small businesses. You may inquire about these resources at:
<http://www.epa.gov/compliance/compliance-assistance-centers>. In addition, you may contact the EPA Small Business Ombudsman at: <http://www.epa.gov/resources-small-businesses/forms/contact-us-about-resources-small-businesses>. Finally, EPA's fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA) and information on resources for small businesses is available on the Agency's website at: <http://www.epa.gov/compliance/small-business-resources-information-sheet>.

Information to Assist You

In the process of selecting a Site remedy, EPA will establish an Administrative Record at the time of the Proposed Plan that contains documents that serve as the basis for EPA's selection of a cleanup action. The Administrative Record will be available to you and the public for inspection and comment at the following locations:

Fullerton Public Library
353 W. Commonwealth Ave.
Fullerton, CA 92832

Anaheim Central Library
500 W. Broadway
Anaheim, CA 92805

Placentia Library
411 E. Chapman Ave.
Placentia, CA 92870

The Administrative Record will also be available for inspection and comment at the Regional Records Center, EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, and on-line at:
www.epa.gov/superfund/orange-county-north-basin.

EPA would like to encourage communication between you and other PRPs at the Site. EPA recommends that all PRPs meet to select a "steering committee" that will be responsible for representing the group's interests. Establishing a manageable group is critical to successful negotiations with EPA. If organizing a steering committee is not possible, EPA encourages each PRP to select one person from its company or organization to represent its interests to EPA.

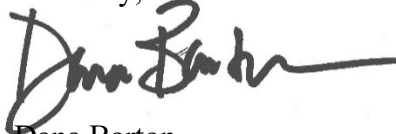
To assist you in your efforts to communicate, please find the enclosed list of names and addresses of PRPs to whom this General Notice letter is being sent. For more information about the Site and to access Site-related documents, refer to the website at: www.epa.gov/superfund/orange-county-north-basin.

Primary Contact Designation Form

Use the enclosed Primary Contact Designation Form (PCDF) to designate the most appropriate individual to receive all further correspondence on this matter on your behalf. **We request that you email us the completed form within thirty (30) days of your receipt of this letter.** We will continue to send future correspondence to the addressee of this letter until we receive a different designee on this form. The completed PCDF should be emailed to Keith Olinger, Enforcement Officer, at Olinger.Keith@epa.gov.

Please give this matter your immediate attention and, if you have not already, consider consulting with an attorney. If you have any questions regarding this letter or completing the PCDF, please contact Keith Olinger, Enforcement Officer, at Olinger.Keith@epa.gov or (415) 972-3125. For any questions about the Site, you may contact Larry Sievers, Remedial Project Manager, at Sievers.Larry@epa.gov or (213) 244-1843. If you have any legal questions, please contact Bethany Dreyfus, Assistant Regional Counsel, at Dreyfus.Bethany@epa.gov or (415) 972-3886. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Dana Barton", with a long horizontal flourish extending to the right.

Dana Barton
Assistant Director
California Cleanup and Enforcement Branch
Superfund and Emergency Management Division
US EPA Region 9 - Pacific Southwest

Enclosures (2)

- Primary Contact Designation Form (*to be completed by you*)
- List of all General Notice letter recipients

PRIMARY CONTACT DESIGNATION FORM

Investment Bankers, Ltd (f/k/a, Investors International Properties, Ltd.)

PLEASE COMPLETE AND RETURN THIS FORM WITHIN THIRTY CALENDAR DAYS OF RECEIPT

Please complete this form by printing or typing the requested information. If any of the information provided on this form changes after submission of the form including, but not limited to, changes in corporate relationships, please notify EPA at the address listed below as soon as possible. Thank you in advance for your cooperation.

1. Please provide the following information for the single person who will be the above-named company's or individual's primary contact for all future communications (including correspondence, informational mailings, etc.) from EPA regarding the Orange County North Basin Superfund Site. You may designate a legal or other representative as the single primary contact. Please enter "N/A" if the requested information is not applicable to you.

Contact Company/Organization/ Individual Name: (if different from above):	
Name of Designated Contact:	Contact's Title:
Contact's Firm Name:	
Street Address (no P.O. Box):	
City, State & Zip:	
Telephone Number:	
E-mail Address:	
Website Address:	
2. Other information: Legal representative and/or Consulting Firm Name & contact information:	

3. Printed Name and Signature of Person Completing This Form

Printed Name	Title	Company/Organization
Signature	Date	

4. Please return this form to:

Keith Olinger, olinger.keith@epa.gov



March 08, 2023

Dear Customer,

The following is the proof-of-delivery for tracking number: 746445050002

Delivery Information:

Status:	Delivered	Delivered To:	Residence
Signed for by:	I.IAN	Delivery Location:	2562 OUTPOST DR
Service type:	FedEx Priority Overnight		
Special Handling:	Deliver Weekday; Residential Delivery; Direct Signature Required		Los Angeles, CA, 90068
		Delivery date:	Mar 6, 2023 09:19

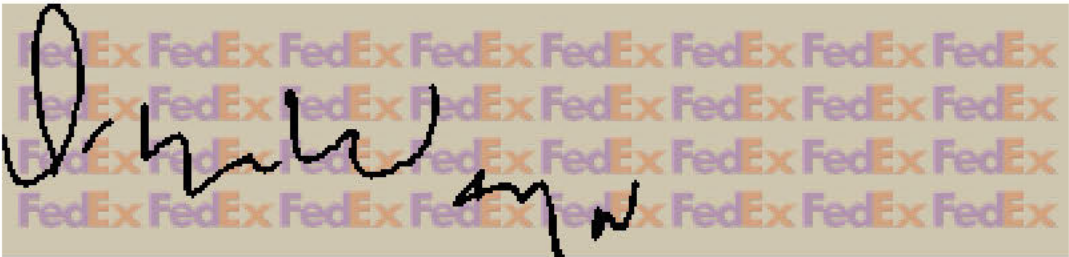
Shipping Information:

Tracking number:	746445050002	Ship Date:	Mar 3, 2023
		Weight:	0.5 LB/0.23 KG

Recipient:
Angela Copeland, Investment Bankers Ltd
PRVY-Controlled/Privacy

Shipper:
Toeroek Associates, Inc.,
1600 Shattuck Ave.
Suite 225
Berkeley, CA, US, 94709

Reference R9 CES Orange County



Thank you for choosing FedEx